UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.489
2 October 1998

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Nineteenth session

SUMMARY RECORD OF THE 489th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 29 September 1998, at 10 a.m.

Chairperson: Miss MASON

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Kuwait (continued)

This record is subject to correction.

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.98-18465 (E)

The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Kuwait (continued) (CRC/C/8/Add.35, CRC/C/Q/KUW/1; written replies of the Government of Kuwait to the questions raised in the list of issues (in Arabic only))

1. At the invitation of the Chairperson, the members of the delegation of Kuwait resumed their places at the Committee table.

2. Mr. AL-ANZI (Kuwait), replying to questions, said that extramarital sex was proscribed by Islamic law, and sex with a minor under 18 years of age was considered a crime, even with the girl's consent. In cases where it did occur and a child was born as a result, the tendency was for the parents to rid themselves of the child, since they were forbidden under Islamic law to keep a child conceived out of wedlock. In that event, the child was initially provided for by the Ministry of Public Health, and subsequently by the Ministry of Social Affairs and Labour.

3. Bedoons and stateless persons enjoyed full and free access to Kuwait's public hospitals, as attested to by the fact that the majority of patients in private hospitals were Kuwaitis. He would distribute three tables showing the percentages of persons treated. One showed the ratio of Kuwaiti to non-Kuwaiti admissions to maternity clinics, while another supplied the treatment ratio in numerous areas, including surgery and general medicine. For the past 18 months, adults had been required to pay merely an infinitesimal proportion of the cost of particularly expensive treatment or medication, such as CAT (computerized axial tomography) and MRI (magnetic resonance imaging) scans, if cheaper alternatives were either unavailable or unsuitable.

4. Mr. AL-JAFIN (Kuwait) said that the principles of gender equality and non-discrimination were enshrined in the Kuwaiti Constitution and enforced by a series of national laws. The law governing employment in the civil service endowed women with the right to be appointed to government posts on an equal footing with men. It also governed their enjoyment of the privileges deriving from any post, such as salary, promotions, and the right to maternity leave. Similar privileges for women in the private sector were governed by the Private Sector Employment Act. Women lawyers abounded in Kuwait, and their right to practise their profession and plead in the courts was recognized by the law governing the legal profession. The Trade Act gave women the right to engage in trade, and be partners and shareholders in business enterprises. They could institute legal proceedings in the event of non-compliance with the constitutional and legal provisions by which a woman's legal status was protected. Lastly, a judge hearing a dispute or divorce permitted children to choose the parent with whom they wished to live.

5. Mrs. Nawal AL-SALLAL (Kuwait) said that the Private Sector Employment Act established specific responsibilities relating to the role of women as professionals and care-givers. A ministerial decree issued by the Ministry of Social Affairs and Labour determined that women were not required to work at night - except in hospitals - or to engage in hazardous employment. Working

women were entitled to 30 days' paid maternity leave before and after delivery, and to an additional 100 days' unpaid leave taken either continuously or intermittently, on presentation of a medical certificate stating that the request was linked to their pregnancy. However, annual leave could not be taken in conjunction with such maternity leave. Law No. 15 of 1989 governing employment in the civil service granted working women various privileges, including two months' special leave on full pay following childbirth; leave for a working widow upon her husband's death; and unpaid leave to accompany a husband on an official posting or official leave abroad. A female civil servant with at least one year's service was entitled to maternity leave of between six months and four years. Working women were also entitled to four months' maternity leave on half pay. In addition, the rights of women and children were covered by the Public Assistance Act, which ensured the security and stability of those without means.

6. Mrs. Muna AL-SALLAL (Kuwait) said that the child's freedom of expression was reflected in many Kuwaiti instruments. In the field of education, the child's views were taken into account through school programmes implemented at all stages of school life. Consideration was given to their recommendations to include certain subjects in the curriculum, one example being computer studies, which had been successfully taught at the intermediate level and had later been introduced in the middle schools at pupils' request. There were also student councils, on which students were represented, at all educational levels nationwide. They identified students' problems, notably in regard to the curriculum and the exercise of their rights, and sought their views and recommendations, which were then submitted to the authorities. There were also student congresses, which studied a different issue relating to students each year, especially in the sociocultural area.

7. Very young children were able to express themselves at kindergarten, where their teachers helped them understand their rights. Parents received a weekly letter from teachers, containing details of the programme the child was to follow and information on the child's rights and needs. An important medium of children's expression of their needs and concerns was school-organized leisure and cultural activities, which included field visits to institutions and ministries to learn about their work on behalf of children, as well as curriculum-related cultural excursions.

8. Violence towards and maltreatment of children were not only frowned upon by public opinion, but were strictly proscribed by a statute dating back to the 1960s, which prohibited all forms of corporal punishment by teachers or school principals. All Kuwaiti schools provided a socio-psychological counselling service, which received and investigated pupils' complaints of maltreatment by school managers, teachers and even parents. Children were encouraged to visit the counsellor - even without a specific complaint - to discuss problems encountered at home or at school. Such complaints, which were strictly confidential, were referred to the highest educational authority and, once verified, resulted in the sanctioning of the perpetrator. Students' complaints could be broadcast on radio or television and publicized through the bulletin of the Ministry of Public Education.

9. Two booklets published at the intermediate and secondary levels were made available to children and their parents at the start of each school year,

providing them with information relating to their rights and obligations; enrolment procedures; formalities for school transfers; and methods of dealing with truancy. Such information was also supplied through parent-teacher associations. There was no discrimination whatsoever in the education of girls. The law governing compulsory education encouraged families to send their children to school, where girls and boys received identical treatment. Indeed, girls were more successful in examinations than boys. The delegation would shortly provide statistics attesting to the absolute equality in budget allocation for girls and boys in government schools.

10. Mr. RAZZOOQI (Kuwait) said that while the total budget of the Ministry of Public Education might vary from year to year and according to projects, boys did not receive preferential treatment. Sexual relations with children were strictly forbidden both under the law and for religious reasons, and adults who engaged in them were severely punished.

11. The Constitution was the supreme law of the land. Any individual, corporate entity, or organization could appeal to the Constitutional Court to issue a judgement on any dispute over the interpretation of its articles.

12. Although women had equality in all areas under the law, they still did not have the vote in Kuwait since, although there was support for change, the issue continued to be one of considerable political sensitivity. It was not always possible for all aspects of democracy as practised in the West to be introduced instantly in developing and traditional societies throughout the world without putting social fabrics under intolerable strain. If a society was to be maintained on an even keel, the views of all groups had to be taken into consideration and an attempt made to reach a viable consensus step by step through dialogue without alienating minorities. Kuwait was thus gradually working towards ultimate achievement of full and equal rights for women. The few reservations Kuwait had with respect to conventions relating to the rights of women and children arose where there was conflict with Islamic traditions and religion, which was a very sensitive issue. Otherwise, as soon as international conventions had been signed and ratified they acquired the status of national law.

13. Different means were being used to implement the Convention, the most effective being to raise public awareness of its principles through the media and by means of various publications. Children were made aware of their rights through the school system, such teaching beginning in kindergarten and continuing through primary and secondary school, using methods suited to the age and understanding of the children concerned.

14. With regard to future activities relating to children's rights, Kuwait would pay careful attention to the Committee's recommendations and to the experience of other countries in seeking to improve the situation of children. The suggestion from a member of the Committee that all legal provisions relating to children should be gathered together into a Children's Code was welcome and would be recommended to the Government. There were also plans to provide a higher budget allocation for children's issues.

15. The CHAIRPERSON said the Committee had no wish to impose homogeneity on the world and fully understood that the different cultures and traditions

prevailing in different regions had to be taken into account in addressing children's rights. Its sole wish was to ensure conformity with the precepts and principles of the Convention, which had been drafted with a view to accommodating differing social, economic, cultural and religious traditions.

16. Mrs. OUEDRAOGO, while recognizing that it was not possible to change the situation regarding votes for women overnight, asked what measures were currently being taken by the Government to change attitudes to the issue among the general public and among influential groups.

17. Was education on the rights of the child an integral part of the school curriculum? What measures had been taken to improve implementation of the law relating to compulsory education? Were parents who failed to send their children to school subject to any penalties? Did all non-Kuwaiti children living in Kuwait, such as the children of Bedoons, immigrant workers and others, have the same access to free education as Kuwaiti children? A Students' Council had been mentioned in connection with decision-making. She asked whether that Council was also consulted when sanctions were being considered, or a report drafted, with respect to a problem schoolchild.

18. Information on the class repeat rate and school drop-out rate would be welcome, since there appeared to be some problem in that respect in secondary education. She asked whether any action was being taken to prevent children dropping out of school after a given age. Were there any facilities, such as parent-teacher meetings, to enable parents to participate in the educational life of their children? Although sexual relations were prohibited in the case of adolescents, early sexual maturity meant that teenage pregnancy was a possibility. Did a young girl who became pregnant have any opportunity of continuing her education after the birth of her child?

19. The report provided a considerable amount of information on social, cultural, artistic and scientific activities for schoolchildren, but said little about sports, which were very important for the development of the child. Were sports activities included in the school curriculum? Did sports facilities exist at all schools? Did girls take part in sports activities in schools?

20. Mrs. SARDENBERG said that in her question on budget allocations she had looked for information on expenditure in the social sector as well as on education, with particular reference to recent trends. Perhaps that information could be sent to the Committee at a later date.

21. With regard to the Children's Home and Guest House facilities provided for children deprived of a family environment, she asked what criteria were used to decide whether a child should be sent to such an institution and what determined a child's move from one to the other. Why was there a difference in the numbers at each institution? Who decided whether a child should have the opportunity to be heard? Was there any system for the periodic review of placement in those institutions?

22. Although Kuwait had a very advanced health-care system and good health indicators, mention had been made of poor eating habits among children. She asked what action was being taken to address the problem and create public

awareness of the issue. Noting that Kuwait provided many services and facilities for disabled children, she wondered whether the draft Disabled Persons Act mentioned in the report had since been adopted and whether the Higher Council for the Disabled had been established. Was Kuwait giving any consideration to the principle of including children with disabilities in mainstream services and facilities?

23. With regard to the special programmes for highly gifted and creative persons mentioned in paragraph 48 of the report, she asked why such a programme was necessary and how it fitted into mainstream education. She asked whether the special centres for mothers and children described in paragraph 84 of the report were public and what their role was. Why was the number of boys enrolled there almost twice the number of girls? She asked what steps were being taken to include information on the Convention and on children's rights in the Kuwaiti system of education.

24. Mr. RABAH, applauding what had been achieved by Kuwait in the fields of health and education in a relatively short time, regretted that the wealth of statistics provided had not included data on juvenile delinquency. The Committee would appreciate information on the numbers of juvenile delinquents, the kind of crimes or offences they committed, the proceedings currently against minors before the courts and the penalties or other measures to which they were subjected by the courts. He asked whether street children, homeless children or child beggars were found among the non-Kuwaiti population in Kuwait. What were the relations between the police responsible for minors and juvenile offenders? When juveniles were remanded in custody or sentenced to deprivation of liberty, were they sent to special institutions for juveniles or placed with adults? He asked whether the pre-trial custody described in paragraph 220 of the report was not likely to be detrimental to the juvenile concerned, particularly if it turned out that no offence had been committed.

25. He asked whether juvenile offenders were tried before a single judge or a panel of judges and requested information on the structure of juvenile courts. Were there any judges who specialized in juvenile justice? Did the social welfare staff dealing with juveniles at risk of becoming delinquent attend legal proceedings involving such juveniles? Did juveniles have access to free legal aid? Was there any flexibility with respect to the sentences meted out to juveniles? Did judges dealing with juvenile cases have the opportunity to review a sentence in the light of the best interests of the child? What measures were taken for the rehabilitation of juvenile offenders? In the event that special institutions existed for the purpose, he asked how they were run and what methods they used. It was important too that such institutions should keep in contact with the parents of juveniles in their care.

26. He asked if there was ever any delay in trying cases involving juveniles and if so whether there were any specific reasons for such a delay. Should juveniles become adult in the interval before their cases came to trial, was the trial still conducted as if a juvenile was involved? Were any rehabilitation efforts made by public or private bodies after sentence had been passed on a juvenile or after that sentence had been served? He asked

whether sentences served by juveniles appeared on their records, since that could have an adverse effect on their later efforts to find work and might lead them to offend again.

27. In the context of child labour, he asked whether Kuwait had ratified the ILO Minimum Age Convention (No. 138). ILO was currently engaged in a major project that ultimately sought to prohibit the employment of persons under 18 years of age. Had Kuwait, in view of its economic strength, given any thought to imposing a complete ban on work by juveniles?

28. Mrs. MBOI said that the statistics the delegation had given to the Committee at its previous meeting showed that of all women in the 15-49 year-old age group, 8.4 per cent had married below the age of 15 and 24.9 per cent had done so between the ages of 15 and 17. They were thus being deprived of part of their childhood by marrying at that age. Although matters appeared to be improving, it was clear that change could not happen overnight. That was why legal provisions were necessary to supplement information campaigns targeting the general public.

29. She understood that in Kuwait, under Islamic law, it was mandatory for children born out of wedlock to be taken away from their parents and placed in foster care. She asked what happened in the case of parents, and especially mothers, who wished to assume their responsibilities for the upbringing of the child, as was urged in article 18 of the Convention. Furthermore, under the same article, States Parties were expected to render assistance to parents in fulfilling those responsibilities.

30. Figures provided by the Kuwait Family Health Survey for 1996 indicated that only 12 per cent of children under four months were being exclusively or predominately breastfed, and that the figure for bottle-feeding rose to 90 per cent after four months. She asked whether the delegation could confirm those findings. In the light of the importance of breastfeeding for the emotional and physical development of the child, information on any measures being undertaken in Kuwait to promote breastfeeding would be welcome.

31. According to paragraph 128 of the report, Kuwait was endeavouring to ensure the healthy nutrition of children. However, the 1996 Kuwait Health Survey had reported a significant number of cases of malnutrition and stunting among children, which presumably were due not to lack of food but to poor eating habits. Could the delegation confirm the figures and supply information on any measures aimed at educating parents and others caring for children to encourage healthy eating practices?

32. She had been surprised to see from the statistics provided how high the mortality rate from external causes and transport accidents was among males, particularly Kuwaiti males, aged 15-19, and asked what the reason might be. Since adolescent health problems in general were currently increasing throughout the world, she would welcome information on the general health situation of young people aged 10-19. Was the health of adolescents in Kuwait monitored in any way? Were any youth-friendly health education and information services provided and what care and rehabilitation services were available should problems arise? Was any protection provided against the harmful effects of the media, including electronic media?

33. In the context of special protection measures, she understood that rape was severely punished, but only if the victim could provide witnesses. That was a very difficult condition for a young girl to fulfil, especially as in Islamic cultures such girls were generally stigmatized and had virtually no longer any hope of marriage. Did girls who were sexually abused or exploited in Kuwait have any access to medical or psychological counselling or medical care? What was the position with regard to abortion in cases of rape?

34. She understood that landmines were a major problem in Kuwait and that some 33 per cent of those injured by them were children. Had the mines been cleared? Were there any programmes to train the public, and especially children, in mine recognition in order to avoid accidents? What rehabilitation programmes and services were available for children disabled by landmines?

35. Ms. PALME was particularly concerned about the position of children born out of wedlock. The situation described by the delegation seemed unfair to the child. Many studies had shown that children who grew up in institutions were subject to many psychological difficulties. Was any consideration being given to helping single mothers to keep their children and to removing the stigma on out-of-wedlock birth?

36. The head of the delegation had described the position of women in Kuwait and the gradual advances that were being made in that connection. She urged the Government to continue to promote equality for women. She would like more information regarding the situation of the Bedoons and the progress being made in the removal of landmines. She joined her colleagues in stressing that the age of criminal responsibility had been set very low in Kuwait, and she wondered whether there had been any further discussion in that connection. She also wondered whether any comprehensive plan of action had been developed regarding the conclusions of the 1996 Stockholm Conference, which Kuwait had attended, on the Commercial Sexual Exploitation of Children. Lastly, she asked whether girls and boys enjoyed the same right to inherit from their parents.

37. Mrs. KARP associated herself with many of the questions already asked by her colleagues. She felt, however, that her own earlier request for more information about the position of the Bedoons and non-Kuwaitis had not received a direct answer. In view of the many disadvantages from which they suffered, she would be glad of that information.

38. In regard to jus sanguinis and the question of nationality, she felt that a child should not necessarily have to be born of a Kuwaiti father. The provision risked creating a whole generation of children who were discriminated against because they were born of a Kuwaiti mother and a non-Kuwaiti father. In regard to respect for the opinion of the child, she noted that some information had been provided about children's participation and the hearing of complaints within the school system. What was the position, however, regarding complaints from children in institutions and those who left the school system before the age of 14? Children who were employed also needed a way of airing their complaints.

39. In regard to domestic violence, she would like to know what was being done in practice to encourage women to complain. Domestic violence caused children great suffering whether or not they were themselves subjected to it. Was there any legislation enabling a spouse to obtain a restraining order preventing the offender from returning to the home and were there any hostels for women who were victims of domestic violence? She would also like to know the position regarding the prohibition of corporal punishment in the home. It was important for the Government to convey the message to parents that corporal punishment was undesirable. Would the Government consider prohibiting so-called "reasonable chastisement", on the grounds that the psychological harm done to children by corporal punishment in the home was as serious as physical harm? She would also like to know more about law enforcement in the field of domestic violence. The traditional approach, whereby the police tried to reconcile the partners, only victimized the victim a second time. Was there any plan to devise guidelines for the police in that connection?

40. She understood that polygamy was still permitted in Kuwait. Had there been any attempt to study the harm caused to children by polygamous families? Also, was there any public education to discourage the tradition of marriage within the family? Studies had shown that it frequently resulted in physical or mental disability. Kuwait had an admirable system for caring for children with disabilities, but it would surely be better to prevent them. How were the child victims of sexual abuse within the family treated? Was there any special system whereby children could complain of such treatment and were they given psychological help in understanding what had happened to them? She believed that the Social Development Office was concerned with the rehabilitation of persons with psychological problems. Was there any project to provide help for the victims of family sex abuse?

41. As she understood it, a child of unknown parents in Kuwait could be taken into a foster family. Could children whose parents were known but who needed to be taken out of their family environment be included in the fostering system rather than be sent to an institution? It was explained in paragraph 107 of the report that a child could be sent to an institution if it was deemed to be exposed to the risk of delinquency. How were the child's best interests cared for in such a situation?

42. Lastly, she wondered whether any consideration was being given to prolonging the period of compulsory education and thus closing the gap between 10 when it ended, and 14 when a child could enter the world of work. The structures were already in place and there seemed to be no budgetary problem. Thus, there was nothing to prevent such a step. Also, was any consideration being given to ratifying the ILO Minimum Age Convention (No. 138)?

43. In regard to the juvenile justice system, she drew attention to the high rate of involvement since 1993 of non-Kuwaiti children, contrary to the situation that had obtained earlier. The sudden increase in the number of non-Kuwaiti children being brought before the court called for special study. What shortcomings in the existing system of juvenile justice had led to the current consideration of its amendment? She noted that a juvenile accused

of a felony was entitled to legal assistance. Why, in the case of a misdemeanour, did the court have discretionary power to decide whether or not legal aid should be provided?

44. Mrs. MOKHUANE had a number of questions with regard to family environment and alternative care. She noted that children placed in the Children's Home were, on reaching the age of 10, transferred from the Home to the Guest House. She wondered what happened in the period of transition. After developing an attachment to a replacement parental figure in the Children's Home, at the age of 10 the child was again taken away. Had any studies been made of the issues of attachment and grieving in children?

45. The report provided a great deal of information on juvenile delinquency in Kuwait. She wondered why young persons were so at risk there, given the quasi-family structure of the country. What was the definition of delinquency and at what point was a child classified as delinquent? She noted the sudden increase in the number of non-nationals involved in the system since 1993, to which Mrs. Karp had referred, and asked what had happened to cause it.

46. The delegation had described the steps taken to mitigate the effects of war on children in Kuwait. A study had been made by the University of Californian at Los Angeles of Kuwaiti children affected by the war and an increase had been recommended in psychological services for them. She asked whether any steps had been taken in that direction.

47. In regard to children's health and the quality of the health services, remarkable progress had been made. Nevertheless, she echoed Mrs. Mboi's remarks about the need to address adolescent health. No statistics were given for the incidence of STD (sexually transmitted diseases) or HIV/AIDS, teenage pregnancies, or the exposure of adolescents to drugs and alcohol. What preventive measures were being taken to reduce the high rate of death and injury in accidents? What was the extent of behavioural problems such as learning disabilities and other stress or trauma-induced disorders? Although details had been provided of the services rendered, the Committee had received no information on the magnitude of the problem.

48. Lastly, she would welcome up-to-date information on the clearing of landmines.

49. Mrs. OUEDRAOGO asked what the legal provisions were governing the status of refugees and asylum seekers, what facilities were available for them, in particular at the Talha Detention Centre where they were kept in administrative custody, and what the position of children was at the Centre. Since Kuwait had a good tradition of welcoming refugees and cooperated well with UNHCR, she would like to know why it had not yet ratified the 1951 Convention and the 1967 Protocol on the Status of Refugees, and whether it planned to do so in the near future.

50. Lastly, she would like to know how the members of the Civil Defence Department were recruited, at what age they could volunteer, how long the training was and whether girls could take part in civil defence.

51. Mrs. SARDENBERG said, in connection with the effects of the war on children, that she had available some information relating to the UNICEF programme instituted in Kuwait in 1993. The evaluation of the programme had shown that it had suffered some setbacks. She asked whether the programme was still in place and whether the problems that had been found had been corrected. She shared the concern that had been expressed about the situation of refugees in Kuwait and recommended that consideration should be given to releasing many of them, including children, from detention. She urged the Government to consider ratifying the 1951 Convention and the 1967 Protocol, as well as the 1954 Convention on Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

52. In regard to the economic exploitation of children, she expressed particular concern about the street children, most of whom were Bedoons. Had any study been made and data collected in that connection and had any special programmes been put in place? Also, the report said very little about child labour. She noted that domestic work was not covered by the Private Sector Employment Act. Was there any minimum age for child domestic workers and did the proposed new Act include previously omitted categories? She agreed that the end of compulsory education and the minimum age for work should coincide, but she was in favour of a complete ban on child labour.

53. Ms. PALME urged the Government to give thought to applying article 22 of the Convention in a more holistic way. Many other aspects of the Convention, such as those concerned in articles 7, 8, 9 and 10, as well as articles 16 and 20, 30, 37 and even 39, could all be regarded as related to the situation of child asylum seekers. It was important to have a holistic view of the rights of every child and to ensure that all children living in the country were treated in the same way.

54. The CHAIRPERSON said that the delegation would clearly be unable to respond to all the questions that had been asked within the time available. Nevertheless, she wished to add two more. First, were there any traditional practices in Kuwait that might be prejudicial to children's health and, if so, what was being done to eliminate them? Her second question related to the legal system. It was understood that Kuwait was an Islamic State and that the court system was based on the Sharia. However, there was also freedom of religion for other faiths in Kuwait. Under what system would a person of a faith other than Islam be judged?

The meeting was suspended at 12.10 p.m. and resumed at 12.25 p.m.

55. Mr. AL-JAFIN (Kuwait) undertook to forward statistics relating to the number of young persons sentenced and the nature of the offences committed. The Juvenile Act defined the offences for which young people could be tried, including pornography, purchase of drugs or alcohol, gambling, associating with known criminals, running away from home or school which might lead to delinquency, and rebelling against parents or guardians. Homeless children were accommodated in State institutions. Begging by either Kuwaiti or foreign children did not occur in Kuwait. Street vending was permitted only with a special permit. Special police units were responsible for investigating and arresting young suspects, who were then taken before a juvenile court. The Act specified that minors could be held in custody only in a Surveillance

Centre, under very particular circumstances or for their safety. The Act further specified that the court could appoint a defence lawyer for a juvenile defendant, whose fees would be paid by the court. Juvenile courts could review and amend sentences.

56. Mr. AL-ANZI (Kuwait) said that the traditional form of treatment by cauterization still occurred on occasion, but that the custom was being discarded. Women usually married between 25 and 29 years of age. A Canadian team had taken over medical and administrative responsibility for operating the special centre which provided treatment for children suffering from war trauma. In Kuwait, malnutrition was due rather to disease or incorrect nutrition than to poverty, for which reason only sandwiches and milk could be sold in schools. A breastfeeding campaign had also been launched. Car accidents were frequent in Kuwait, with at least one fatal accident per day. There were currently only two AIDS patients under the age of 18, both of whom had been infected by their mothers. They were receiving all available treatment.

57. Mrs. Nawal AL-SALLAL (Kuwait) said that children living in homes or orphanages were transferred to single-sex institutions at the age of 10. Girls remained there until they married and boys until they entered employment and could move into independent accommodation. Children placed with foster families were moved only in the event of problems. Education was obligatory until the age of 14, extendable by two years for children experiencing difficulties. Night or morning schools were available for young women who left school to marry.

58. Mrs. Muna AL-SALLAL (Kuwait) said that domestic violence was prohibited by law and could constitute a motive for divorce. In modern-day Kuwait, polygamy was most unusual and the men of the younger generation took only one wife. The high level of injuries reported among young people up to 1993 was due to mine explosions and the large number of firearms in circulation. A subsequent campaign had reduced those risks. The Regional Office for Refugees was based in Kuwait and coordinated all refugee policies throughout the Gulf region. The very limited number of refugees in Kuwait had been resettled in other countries. There had been 220,000 Bedoons prior to the invasion, and only 120,000 remained subsequently, demonstrating that they could freely return to their own countries. Such people simply sought to gain the privileges acquired with Kuwaiti nationality, in terms of access to housing, loans, etc., which was not reasonable. The Ministries of Justice and Foreign Affairs were seeking a humanitarian, as opposed to political, solution to the problem. Bedoon children were not denied access to schooling in Kuwait, and many were registered in State schools, special schools or private schools.

59. Mr. RAZZOOOI (Kuwait) said that the Juvenile Act stated that hearings of cases involving juveniles should be rapid and fair, and held in camera. The age of the accused at the time of the crime determined the type of court in which the case would be heard. The sentences passed down by the Juvenile Court were not placed on the person's record and rules regarding recidivism did not apply to minors, which allowed them to begin their lives afresh.

60. Mr. AL-JAFIN (Kuwait), referring to the Chairperson's question on the implications of defendants' nationality or religion, explained that a

distinction should be made between civil and criminal cases. In civil cases, Kuwaiti law applied if both parties were national citizens, whereas the law governing relations with foreigners applied when a foreigner was involved. Hence, the deciding factor was nationality, and not religion. In criminal cases, the Penal Code applied regardless of a defendant's nationality. Special courts had been established to hear cases involving Shiites. The penalty for abortion was largely left to the discretion of the judge, who was required to consider the circumstances and show leniency where appropriate.

61. Mrs. OUEDRAOGO inquired about social security entitlements for citizens and foreigners in Kuwait.

The meeting rose at 12.50 p.m.

UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.490
21 December 1998

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Nineteenth session

SUMMARY RECORD (PARTIAL)* OF THE 490th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 29 September 1998, at 3 p.m.

Chairperson: Miss MASON

CONTENTS

CONSIDERATION OF REPORTS OF STATE PARTES (continued)

Initial report of Kuwait (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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GE.98-18469 (E)

The discussion covered in the summary record began at 3 p.m.

CONSIDERATION OF REPORTS OF STATE PARTIES (agenda item 4) (continued)

Initial report of Kuwait (continued) (CRC/C/8/Add.35, CRC/C/Q/KUW/1 (list of issues to be taken up in the consideration of the initial report of Kuwait); written replies of the Government of Kuwait to the questions raised in the list of issues (no document symbol, in Arabic only); country report (CRC/C/A/KUW/1))

1. At the invitation of the Chairperson, the members of the delegation of Kuwait resumed their places at the Committee table.

2. Mr. RAZZOOQI (Kuwait), replying to earlier remarks, said that the State assumed responsibility for the care of children only when they had been abandoned by their mothers. In such cases, the State undertook to find a suitable foster home.

3. Mrs. Nawal AL-SALLAL (Kuwait) said that preventive measures had been taken to deal with landmines, for example briefings, cultural activities and publications designed to alert the public, and especially children, to the dangers posed by the large numbers of landmines and weapons left over from the Gulf War. Particular stress had been laid on ways to guard against explosions of devices of that kind, the danger of using such weapons unwittingly, and familiarization with high-risk and preferably avoidable areas.

4. Mrs. Muna AL-SALLAH (Kuwait) said that student councils participated in the decision-making process since they had the opportunity to submit proposals to annual meetings with the university authorities. Their proposals were taken into account. In addition, physical education occupied an important place at all levels of the school curriculum and was treated as a fully-fledged subject to which material and human resources had been allocated. The policy of integrating disabled children into the regular education system had been effectively implemented since the entry into force in 1996 of the Disabled Persons Act, as evidenced by special classes in kindergartens for children with Down's syndrome and learning difficulties which gave them the opportunity to mix with other children and share in their activities while benefiting from a special education. Measures had also been put in place to encourage the aptitudes of gifted children who had been identified by their rapid learning ability and high intelligence quotient. Meals were provided at kindergartens and the authorities made arrangements in the primary and intermediate cycles for children who required a special diet. The principles enshrined in the Convention would be taught as part of the school curriculum.

5. Mr. RAZZOOQI (Kuwait) said that considerable efforts had been made to neutralize the various types of landmines scattered throughout Kuwait. American, British, French, Bangladeshi and Pakistani mine clearance units had provided invaluable assistance. Kuwaiti mine victims had benefited from medical, economic and housing compensation. The social security system guaranteed them compensation that varied with the duration of their professional service. Non-Kuwaiti citizens, who were not entitled to social security, received a fixed end-of-contract bonus; the longer they had worked,

the higher the bonus. In reply to Mrs. Sardenburg's question about budget allocations for children, he could confirm that such allocations had been progressively increased since 1992.

6. The CHAIRPERSON invited the members of the Committee to make their preliminary comments on the initial report of Kuwait.

7. Mrs. MOKHUANE said that Kuwait had not complied with the guidelines laid down by the Committee for the preparation of reports, a fact which had not made the report easy to read. The State party was to be commended for its efforts to restore the county's infrastructures in the wake of the Gulf War, particularly in the field of teaching (exemption from charge, compulsory education from ages 6 to 14, etc.) and health care. However, much work remained to be done to raise public awareness of the principles embodied in the Convention. It would also be useful to establish a central organ to implement the provisions of the Convention, coordinate relevant activities and ensure that they were followed up. The National Plan of Action on Children should be published to identify the objectives which had still not been achieved. It would be well advised to raise the current age of criminal responsibility, which currently stood at seven years. The same applied to the minimum age of marriage, which should also be the same for girls and boys. The Government should be commended for abolishing discrimination against women in respect of their civil rights and encouraged to continue its efforts in that regard. The lack of detailed health-care information describing the real situation with regard to child mortality and morbidity and drug use among children was regrettable. The State party should concentrate more on data-collection efforts. In addition, a social welfare system should be set up to cover non-Kuwaiti nationals. Likewise, the principles of humanitarian law and the principles embodied in the Convention should be utilized to allow the children of non-Kuwaiti nationals, and Bedoon children in particular, access to educational and other services. The Kuwaiti Government should expedite its mine clearance operations.

8. Ms. PALME said that she endorsed the positive developments mentioned by other members of the Committee in the areas of health care, education and social security. The measures taken to benefit disabled people should be commended and she hoped that the social rehabilitation of disabled people would be taken into account in the new plan. However, it was alarming to note that inequality between the sexes persisted in Kuwait. There were still very few female workers and it appeared that men tended to perpetuate present stereotypes. The rights of the Bedoons were not fully safeguarded. Furthermore, the age of criminal responsibility (seven years) was too low and the minimum age for marriage should be raised and made the same for males and females.

9. Mrs. SARDENBERG said that she had been encouraged by the constructive dialogue which the Committee had had with the Kuwaiti delegation and which had made it possible to identify the problems faced by Kuwaiti children under article 44 of the Convention. Kuwait should strengthen its activities within the framework of the six major United Nations human rights conventions and submit its reports in a timely fashion, particularly the report relating to the Convention on the Elimination of All Forms of Discrimination against Women. Kuwait should also accede to the 1951 Convention relating to the

Status of Refugees, the International Labour Organization's Minimum Age Convention (No. 138), 1973, and the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction. The Kuwaiti Government should also be more proactive in putting into practice the rights provided for in those conventions. The drafting of a Children's Code was a welcome development. The National Plan of Action on Children should be published and incorporated into the five-year development plan in order to devise a comprehensive strategy for protecting children. The data collection system should also be broken down in order to identify more clearly the measures which needed to be taken to conform to the provisions of the Convention. In addition, officials who dealt with children should receive training and the Convention should be more widely circulated. The Day of the Arab Child was a positive development in terms of raising public awareness of the contents of the Convention. More specifically, the Kuwaiti Government should pay closer attention to the general principles embodied in the Convention, which should be put into practice more consistently.

10. Mrs. KARP said that the report did not make clear the problems encountered by Kuwaiti children in day-to-day life. It was most regrettable that Kuwaiti women did not have the right to vote; that was a flagrant violation of their right to human dignity. The Kuwaiti Government should take a broad view of the various articles of the Convention and consider the child more as a subject of law rather than an object to be protected. Conservative attitudes rooted in family traditions therefore needed to be modified. In that connection, the drafting of a Code specifically relating to children was a welcome development which would reinforce the general principles enshrined in the Convention. It was important that the most vulnerable groups in society (Bedoons, refugees and the disabled) should enjoy real rights. Judges, psychologists and members of the police force should receive training to raise their awareness of children's views.

11. Mr. RABAH said that it would be useful to receive more information about measures for the social rehabilitation of young offenders. It would also be useful to explore the question of child custody in relation to the Sharia, which did not allow adoption.

12. The CHAIRPERSON said that the submission of a report was not simply a bureaucratic exercise. The Kuwaiti Government should never forget that "the interests of the child shall be a primary consideration".

13. Mr. RAZZOOQI (Kuwait) said that he agreed with almost all the remarks made by members of the Committee. Kuwait and the Committee shared the same objectives, namely, the protection and promotion of the rights of the child. In that connection, he urged the Committee to mention in its recommendations the Kuwaiti children who were still being held as prisoners of war in Iraq.

The discussion covered in the summary record ended at 4.05 p.m.